IX K

1942

File No. B. Civil Cts/42

Legal DEPARTMENT

B BRANCH

Subject:—

P-18/42

Governor's Bill No. XXII of 1942

A Bill to amend

the Bombay Civil Courts

Act, 1869.

(Amendt. of S. 28)

Bom. XX of 1942

File No. B Civil Cts. /42

Std. Sectt. Slip 24 B a.

~~Bom. XX of 1942~~

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Legal Department File No. B.Civil Courts/42.

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V.K.
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Office of the R.L.A.

The requisite draft Bill is appended.

2. The subject matter of the Bill falls under entry 1 in List II in the Seventh Schedule to the Government of India Act, 1935. Under executive instructions the Bill requires the previous approval of the Governor-General before ~~the previous~~ enactment.

3. The draft Statement at page 11 ante as very slightly amended is in order.

Ed/- P.N.M.
24/6

O.C.

Remembrancer of Legal Affairs.

U.R. to H.D° No. 5218 , dated the 25th June 1942.

~~V.V.K.~~
~~27/4/1956.~~

No. 8598

Legal Department.

Bombay Castle, 23rd October 1941.

From

R.N. Moos, Esquire , Bar at Law , I.C.S.,
Secretary to the Government of Bombay.

To

The Secretary to the Governor of Bombay.

Subject:- A Bill to amend the Bombay Civil Courts Act, 1869.

Sir,

With reference to your Memorandum No.201(68) dated the 8th August 1942 addressed to the Home Department, on the above subject, I am directed to forward herewith for the assent of His Excellence the Governor, a copy of the Bill to amend the Bombay Civil Courts Act, 1869, prepared by His Excellency the Governor under paragraph (2) of the Proclamation dated he 4th November 1939 issued by him under section 93 of the Government of India Act, 1935.

2. The Bill does not affect any special responsibility of the Governor under section 52(1) of the Government of India Act, 1935, or fall within the purview of clause (a) (b), (c) or (d) of paragraph XVII of the Instrument of Instructions to the Governor of Bomby.

3. The subject-matter of the Bill falls under entry No.1 in the Provincial Legislative List in the Seventh Schedule to the Government of India Act, 1935. As the Bill does not relate to any matter enumerated in the Concurrent Legislative List, it is not necessary to reserve the Bill for consideration of the Governor General with reference to para. (2) of the Proclamation and section 107 (2) of the Government of India Act, 1935.

4. The date on which His Excellency the Governor's assent is given may kindly be entered in the endorsement.

V.V.K.
27/4/1956.

5. I also forward herewith one spare copy of the Bill.

Your obedient servant,

Sd/-P.M.M.
22/10.

The Secretaty to the Governmentof Bombay,

Through

The Secretary to the Government of Bombay,

Home Department.

V.VK.
27/4/56.

Legal Department

The Bill to amend the Bombay Civil Courts Act, 1869 has been forwarded separately through the Home Department to the Secretary to the Governor for obtaining assent of His Excellency the Governor to the Bill.

2. A draft notification under section 92(1) of the Government of India Act, 1935, for applying the proposed Act to the partially excluded areas referred to in para. 3 of H.D. office note at page 23 ante, is sent herewith. The notification should be published in the Bombay Government Gazette on or after the date on which the Act will be published in the Bombay Government Gazette.

Sd/-
O.C., 21/10
For Secretary to Government.

U.R. to H.D. No. 8597 dated the 23rd October 1942.

V.V.K.
27/4/56.

~~11~~ 9

No. 201(68)
Office of the Governor's Secretary,
Government House,
Bombay, 6th November 1942.

From

S. Garvin, Esquire, I.C.S.,
Asstt. Secretary to the Governor of Bombay.

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NOTIFICATION.
Home Department.
Bombay Castle , 1942.

No. In exercise of the powers conferred by sub-section (1) of section 92 of the Government of India Act, 1935 , the Governor of Bombay is hereby pleased to direct that the Bombay Civil Courts (Second Amendment) Act, 1942 (Bom. ~~to be filled by H.~~ ** of 1942) shall apply to the partially excluded areas in the Province of Bombay expect the villages belonging to the following Mahwasi Chiefs, namely-

** to be filled in by H.D.

(1) The Parvi of Kathi,
(2) The Parvi of Wal,
(3) The Parvi of Singpur,
(4) The Walwi of Gadhali,
(5) The Wassawa of Chikhli, and
(6) The Parvi of Navalpur.

By order of the Governor of Bombay,

Secretary to Government.

V.VK.
27/4/56.

No.201(68)
Office of theGovernor's Secretary,
Government House,
Bombay, 6th November 1942.

From

S.Garvin, Esquire ,I.C.S.
Asstt. Secretary to theGovernor of Bombay.

To

The Secretary to Government ,
Legal De artment .

Subject :- A Bill to amend the Bombay Civil Courts Act, 1869.

Sir,

With reference to your letter No. 8598, dated the 23rd October 1942, I am ...d to return herewith the copy ofthe Bill to amend the Bombay Civil Courts Act, 1869, prepared by His Excellency the Governor under paragraph(2) of the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act. 1935. and to state that under the provisions of the aforesaid paragraph His Excellency the Governor is pleased to declare that he assents to the Billin thename of His Majesty.

Your obedient servent

Sd/-

Asstt. Secretary to theGovernor of Bombay.

V.V.K.
27/4/86.

Acts.
Publication of the Bombay Civil Courts (Second Amendment) Act, 1942.

GOVERNMENT OF BOMBAY
Legal Department.
Resolution No. 9082.

Bombay Castle , 11th November 1942.

Letter to the Secretary to the Governor , No.8698 , dated the 23rd October 1942.

Letter from the Assistant Secretary to the Governor , No. 201 (68) dated the 6th November 1942.

" With reference to your letter No. 8698, dated the 23rd October 1942, I am directed to return herewith the copy of the Bill to amend the Bombay Civil Courts Act,1869 prepared by His Excellency the Governor under paragraph (2) of the Proclama-tion dated the 4th November 1939 , issued by him under section 93 of the Government of India Act, 1935, and to state that under the provisions of the aforesaid paragraph , His Excellency the Governor is pleased to declare that he assents to the Bill in the name of His Majesty."

RESOLUTION.- The Law should be published as Bombay Act No. XX of 1942, in the Bombay Government Gazette dated 11th November 1942 .

2. The Act should be translate into Marathi, Gujarati, Kannada and Hindustani (in Urdu and Devanagari scripts) and the translations should be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the Home Department.

By order of the Governor of Bombay,

Sd/-S.L. Chaudhari

P.N.Moos,
for Secretary to Government.

To

The Manager, Government Central Press, Bombay, (with a copy of the Act and with a request that 15 gazette copies of the Act may be forwarded to the Legal Department,)
The
The Home Department ,
* The Oriental Translator to Government, } with a copy
The Secretary to the Bombay Legislative Council) of the
The Secretary to the Bombay Legislative Assembly) Act.

* With five extra copies.

V.V.K.
7/4/86.

Registered No. B-1.

The

Bombay Government Gazette

PUBLISHED BY AUTHORITY

WEDNESDAY, 11TH NOVEMBER 1942.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV

(1) Acts of the Local Legislature of the Bombay Province and (2) Acts of the Indian Legislature assented to by the Governor General.

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The following Act made by the Governor of Bombay in exercise of the powers vested in him by virtue of the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, having been assented to by him on the 5th November 1942 is hereby published for general information.

P. N. MOOS,

Secretary to the Government of Bombay,
Legal Department.

BOMBAY ACT No. XX OF 1942.

(First published, after having received the assent of the Governor, in the "Bombay Government Gazette" on the 11th November 1942.)

An Act to amend the Bombay Civil Courts Act, 1869.

WHEREAS it is expedient to amend the Bombay Civil Courts Act, 1869, for the purpose hereinafter appearing;

XIV of 1869.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature;

6 Geo. 5, ch. 2.

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act:—

Short title.

1. This Act may be called the Bombay Civil Courts (Second Amendment) Act, 1942.

Amendment of section 28 of Act XIV of 1869.

2. In section 28 of the Bombay Civil Courts Act, 1869, for the words "The Provincial Government may" wherever they occur, the words "The High Court, under the general superintendence of the Provincial Government, may" shall be substituted.

XIV of 1869.

STATEMENT.

Section 28 of the Bombay Civil Courts Act, 1869, confers upon Government the authority to invest Subordinate Judges with Small Cause Court powers. In practice, this authority is exercised on the recommendation made by the High Court. Each time a Subordinate Judge is transferred from one district to another, it becomes necessary for the High Court to move Government to issue a fresh notification conferring this power on the Subordinate Judge, afresh. As it will make for appreciable economy in time and labour, it has been decided for reasons of administrative convenience to amend section 28 of the Act, by conferring upon the High Court the authority now vested in Government, subject to the general superintendence of Government.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.